

REMARKS

Claims 1-32, 34-46 and 49 remain in the case. Claims 1, 22, 32, 46 and 49 are in independent form. Favorable reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Rejections - 35 USC § 102:

Claims 1-7, 9-12, 14-18, 20-26, 28, 29, 31-32, 34-39, 42-46 and 49 are rejected under 35 USC 102(a) as being anticipated by Falciglia, U.S. Patent 5,935,002.

With regards to independent claims 1, 22, 32, and 49, the Examiner states on page 2, par. 3 (and other par.'s for corresponding claim rejections):

"Falciglia discloses... displaying an award representation of the game result through a mechanical technological aid at an electronic playing station (figure 4, 107e, wherein the award displayed is a 'gift' which constitutes as an award which is being displayed through spinning reels, col. 2:38-46)."

Column 2, lines 38-46 of the Falciglia '002 reference is merely a brief description of the figures and does not in any way teach or suggest what the Examiner claims to be the teaching of Falciglia needed to reject claims 1, 22, 32 and 49. Applicant respectfully refers the Examiner to column 6, lines 37-56 that specifically discuss the "free" gift (107e) as being just one position on one of the spinning wheels. Furthermore, column 5, lines 26-33, of Falciglia '002 refer to how the wheels are played and how they impact winning the game of Bingo. Somewhat ironically, if the 5th wheel should by chance display the free gift option, this goes toward losing the game of bingo (i.e. decreases chance of winning an award) because a needed number for the bingo card is never revealed.

The Examiner is further referred to column 6, lines 3-10 of Falciglia '002 that states:

"...If the player does have a bingo combination, the machine automatically updates the winnings window 21 with the winnings associated with the particular bingo combination.

All prize money won from each spin accumulates and is displayed in the winnings window 21. A player can take their winnings after any spin, ending the game, by pressing the Release My Winnings button 23."

At best, it is the window (21) of Falciglia '002 that indicates the award indicative of winning the game of bingo. This window (21), however, is not mechanical.

Claims 1-7, 9-12, 14-18 and 20-21:

More specifically, Applicant respectfully disagrees with the rejection of base claim 1 because:

1. An "award" as claimed in claim 1 of the present application is not a "gift," and instead is something granted and due for merit. In this case, the merit is winning the bingo game. In Falciglia '002, the gift is not due for merit (i.e. winning the bingo game), and in-fact, may not be due at all.
2. The "gift" in the Falciglia '002 reference is not "indicative" of winning the bingo game, and as claimed in claim 1. Instead, it is merely a random surprise as a result of one round or actuation of the lever arm (5) of Falciglia '002.
3. The "gift" in Falciglia '002 is not an "award representation of an end game result" it is the potential to win something "free" in addition to winning an award and only if the player wins the bingo game, see column 6, lines 64-67, and column 7, lines 1-8.

Consequently, claims 1-7, 9-12, 14-18 and 20-21 of the present invention are not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

Claims 22-26, 28, 29, and 31:

More specifically, Applicant respectfully disagrees with the rejection of base claim 22 because:

1. An "award" as claimed in claim 22 of the present application is not a "gift," and instead is something granted and due for merit. In this case, the merit is winning the bingo game. In Falciglia '002, the gift is not due for merit (i.e. winning the bingo game), and in-fact, may not be due at all.
2. The "gift" in Falciglia '002 is not an "award representation of an end game result" it is the potential to win something "free" in addition to winning an award and only if the player wins the bingo game, see column 6, lines 64-67, and column 7, lines 1-8.

Consequently, claims 22-26, 28, 29 and 31 of the present invention are not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

Claims 32, 34-39, and 42-45:

More specifically, Applicant respectfully disagrees with the rejection of base claim 32 because:

1. The "gift" in Falciglia '002 is not an "award representation of said result of said bingo-type game" as claimed in claim 32. Instead, the "gift" is the potential to win something "free" in addition to winning an award and only if the player wins the bingo game, see column 6, lines 64-67, and column 7, lines 1-8.

Consequently, claims 32, 34-39 and 42-45 of the present invention are not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

Claim 46:

More specifically, Applicant respectfully disagrees with the rejection of base claim 46 because:

1. An "award" as claimed in claim 46 of the present application is not a "gift," and instead is something granted and due for merit. In this case, the merit is winning the bingo game. In Falciglia '002, the gift is not due for merit (i.e. winning the bingo game), and in-fact, may not be due at all.
2. The "gift" in Falciglia '002 is not an "award representation of an end game result" it is the potential to win something "free" in addition to winning an award and only if the player wins the bingo game, see column 6, lines 64-67, and column 7, lines 1-8.

Consequently, claim 46 of the present invention is not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

Claim 49:

With further regards to claim 49, Falciglia '002 does not teach generating at least one called number common for all of the at least one player. In fact, because Falciglia '002 requires each player to act individually by pulling respective actuation arms (5), numbers are chosen at different times and independently for each player. This is further emphasized by the wheels not having only numbers. For instance, the fifth wheel of Falciglia '002 has

a "gift" window. If one player gets a number and another player gets a different number or the gift in the fifth window, the numbers of Falciglia are not common.

Consequently, claim 49 of the present invention is not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

Claim Rejections - 35 USC § 103:

Claims 8, 27, 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Falciglia, U.S. Patent 5,935,002 and in view of that allegedly known to be obvious to one of ordinary skill in the art.

Claims 13, 19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Falciglia, U.S. Patent 5,935,002 and in view of Lind, U.S. Patent Publication 2004/0176169.

Because the base claims are patentable, the dependent claims 8, 27, 40 & 41 and dependent claims 13, 19 & 30 are non-obvious and patentable. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious, In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988).

Summary:

Please reconsider claims 1-32, 34-46 and 49 in view of the above remarks.

A copy of the claims is attached to facilitate examination.

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 08-2789.

Respectfully submitted,

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Date

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